Batemans Marine Park

This document contains the speech read in New South Wales Parliament on the 14th of November 2007 on behalf of Coastal Rights Association by Member for Bega Andrew Constance.

The PDF files on the left contain all the documents referenced in the speech, to check the references it would be handy to follow the instructions below.

INSTRUCTIONS

Documents referenced in the speech.

Open, MARINE PARKS ACT 1997.pdf and print Section 16. Regulations relating to zoning for marine parks. Pages 11 and 12 Subsection 6 is highlighted.

Open, Marine-Parks-Amendment-Batemans-Regulation-2007.pdf and print pages 1, 2 and 37

Open, Marine-Parks-Amendment-Batemans-Regulation-2006.pdf and print pages 45 and 46

Open and print bmp-mr-13-dec-06.pdf Ministers News Release December 2006

Open and print Kearney.PDF

Batemans Marine Park speech below.

Read in Parliament by Member for Bega Andrew Constance on behalf of Coastal Rights Association on the 14th of November 2007

I have been asked by Coastal Rights Association, a very active and community aware environment group, based on but not limited to the south coast. To ask the Government why it has deliberately mislead not only the people of NSW but also the Governor in relation to the zoning of the newly established Batemans Marine Park.

I have with me the relevant section of the **Marine Parks Act 1997** (as at 8 June 2007), which states the government's obligation with regard to any proposed draft for a zoning plan for the park.

Section 16 subsection (2) to (5) states that the relevant ministers, Debus and Macdonald are to cause public notice to be given of proposed regulations containing a zoning plan for the marine park and describes what notice must be given and what they are to consider before any further action can be taken with respect to the proposed regulations.

Section 6 states what must happen if any amendments are proposed.

I also have the relevant sections of both the **Marine Parks Amendment (Batemans) Regulation 2006** (Public consultation draft) which went to the public for their submissions and the **Marine Parks Amendment (Batemans) Regulation 2007** that was given to the Governor to sign.

The public is currently being forced to accept this as the Regulations setting out zoning for Batemans Marine Park.
There were many changes made between the original draft zone plan that went on display and comment, and the final plan that was adopted.

One such major change, from the 2006 draft was the complete removal of commercial trawling from the park.

Division 6, General permissions and prohibitions
Section 21) Fishing Prohibitions
Subsections 1 and 4 (on Page 37) of **Marine Parks Amendment (Batemans) Regulation 2007** (currently in force), States
1) A person must not, while in the marine park, take or attempt to take fish by trawling and
4) A person must not, while in the marine park take or attempt to take fish by use of a dredge or any device similar to a dredge

While the corresponding section in **Marine Parks Amendment (Batemans) Regulation 2006** (public consultation draft) on Page 45
Division 6 Fishing Prohibitions
Subsection 21 No mention was made of trawling at all.

At this point the **Marine Parks Act section 16** Regulations relating to zoning for marine parks, should have been applied, instead the amended zoning plan was taken to the Governor for her signature.

Section 6) Subsections 2 to 5 apply to any proposed regulations that amend a zoning plan for a marine park, unless
Subsection (a) the relevant ministers are of the opinion that the amendment are minor in nature,

Minister Macdonald made a statement on the 13 of December 2006 (still available on the MPA website) http://www.mpa.nsw.gov.au/pdf/bmp-mr-13-dec-06.pdf

“Removing commercial fish trawling and dredging for shellfish is a major change from the draft zoning plan and a big win for the recreational fishing industry,”

and

Subsection (b) the relevant Ministers have consulted with the advisory committee for the marine park about the proposed amendment.

The advisory committee had very little input into the plan and when minister Debus presented the final plan to the committee, an hour before publicly announcing it (although no minutes of committee meetings have ever been made available/taken?) a committee member has stated that a motion of no confidence in the minister was moved and seconded but stopped by the committee chairman.

Coastal Rights Association have consistently asked that the government be honest and open in its dealings with the public on the creation and zoning of Batemans Marine Park and have in particular been calling for scientific justification for apparent pre-conceived approach to the creation of zoning regulations for the area.

These calls have been met with statements like *"the science is there"* , *"there is general consensus that marine parks are needed", and "we are meeting our obligation to create marine protected areas".*

After repeated calls for specific scientific studies showing that the measures proposed were needed and would be effective in the Batemans Marine Park area, the Marine Park Authority released what it called "the science paper" which selectively quoted sections of several scientific papers from around the world in an effort to make it's case for the style of marine protection it was forcing on the state.

Recently Emeritus Professor Bob Kearney presented paper in which he stated many *"may have been hoodwinked into believing that the proposal for this park was actually based on sound science and that the park will deliver considerable benefits to biodiversity conservation and recreational fishing."* Mysteriously the "Science Paper" can no longer be found on the MPA website.

Why has the government lied to the Governor and the people of New South Wales?

Coastal Rights Association calls on the Government to:

Immediately revoke **Marine Parks Amendment (Batemans) Regulation 2007** and begin a thorough scientific study of the Batemans Marine Park area including a detailed assessment of any threatening processes and determine the best practice to address them. Then return to the public to begin a true negotiation process.

Dismiss all marine park (advisory) bodies including, advisory committees, council and any unseen groups that may have been responsible for the current marine park mess and before making new appointments to those bodies openly consult with the public on their makeup.

Deliver copies of all the papers tabled here to the Governor.